



PUBLIC NOTICE

Federal Communications Commission

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DA 12-1896

Released: November 26, 2012

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
ACQUISITION OF ASSETS OF RNK, INC. BY SIGNAL POINT CORP.
STREAMLINED PLEADING CYCLE ESTABLISHED**

WC Docket No. 12-312

Comments Due: December 10, 2012
Reply Comments Due: December 17, 2012

On October 19, 2012, Signal Point Corp. (Signal Point) and RNK, Inc. (RNK) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ requesting approval for the transfer of RNK's assets to Signal Point. Applicants consummated this transaction without authority on September 28, 2012.²

RNK, a Massachusetts corporation, is authorized to provide competitive local exchange (LEC) and interexchange services in Connecticut, District of Columbia, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. RNK is a wholly owned subsidiary of Wave2Wave Communications, Inc. (Wave2Wave), a Delaware corporation.³ RNK is also the parent of RNK VA, LLC, a Virginia limited liability company with authority to provide competitive LEC services in Virginia.

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants also filed an application for a transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their domestic section 214 application on November 9 and 26, 2012.

² Signal Point filed a request for special temporary authority (STA) to allow it to continue to provide service to customers while the domestic section 214 application is pending. On November 2, 2012, the Wireline Competition Bureau granted the STA for the domestic authorization for a period of 60 days. *RNK, Inc. and Signal Point Corp. d/b/a Signal Point Communications, Application for Consent to Transfer Control of Assets Pursuant to Section 214 of the Communications Act, as Amended*, WC Docket No. 12-312, Request for Special Temporary Authority (filed Oct. 31, 2012). A grant of the application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

³ Applicants state that, on February 17, 2012, RNK and Wave2Wave filed voluntary petitions for relief under Chapter 11, Title 11 of the United States Code. They state that, on September 27, 2012, the Court approved the sale of RNK's telecommunications assets and licenses to Signal Point. *Wave2Wave Communications, Inc., et al.*, Case No. 12-13896 (DHS) (Bankr. D. N.J.-Newark Vicinage) (2012).

Signal Point is a New York corporation and wholly owned subsidiary of Signal Point Holding Corp., a Delaware corporation. Robert DePalo, a U. S. citizen, owns 93.7 percent of Signal Point Holding Corp. Applicants state that Signal Point Holding Corp. owns 100 percent of Signal Point Telecommunications that provides Voice of Internet Protocol services in New York, Connecticut, New Jersey, and Illinois. They further state that Mr. DePalo does not have any other telecommunications interests.

Pursuant to the terms of the proposed transaction, Signal Point purchased substantially all of the assets, including customer contracts, of RNK and RNK VA, LLC, and RNK and RNK VA, LLC will be dissolved. Applicants state that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules⁴ and that a grant of the application will serve the public interest, convenience, and necessity.

Domestic Section 214 Application filed for the Acquisition of Assets of RNK, Inc. by Signal Point Corp., WC Docket No. 12-312 (filed Oct. 19, 2012).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before December 10, 2012**, and reply comments **on or before December 17, 2012**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁵

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 2) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

⁴ 47 C.F.R. § 63.03(b)(2)(i).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Jodie May at (202) 418-0913 or Myrva Charles at (202) 418-1506.

⁶ 47 C.F.R. §§ 1.1200 *et seq.*

George Li

From: George Li
Sent: Monday, November 26, 2012 1:19 PM
To: Jodie May; David Krech; Sumita Mukhoty; Erica Myers; Cheryl Callahan; Adrienne Downs
Cc: Dennis Johnson; Tracey Wilson
Subject: RE: domestic 214 released (RNK/Signal Point)

Thank you Jodie.

From: Jodie May
Sent: Monday, November 26, 2012 1:16 PM
To: David Krech; Sumita Mukhoty; George Li; Erica Myers; Cheryl Callahan
Cc: Dennis Johnson; Tracey Wilson
Subject: FW: domestic 214 released (RNK/Signal Point)

up → 60 days

WCB accepted this transaction for streamlining today. Applicants closed without authority, and we have an SIA in place and have referred the application to EB. Also, the Transferor, RNK, is in bankruptcy, and we have coordinated with OGC. Thanks.

From: Myrva Charles
Sent: Monday, November 26, 2012 12:10 PM
To: Jodie May; Margoux Newman
Cc: Tracey Wilson; Dennis Johnson
Subject: RE: 2nd PN for release

Jodie,

The attached PN has been entered into EDOCS for release.

Margoux - please post onto the Intranet.

Thanks!
Myrva

NOV 27 2012
Policy Division
International Bureau

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<< File: RNK-Signal Point PNdraft for release 11 26.doc >>

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